

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ENMANUEL MEDINA VALDEZ,
Defendant.

CASE NO. 17-604 (JAG)

SENTENCING MEMORANDUM

COMES NOW the United States of America by and through the undersigned attorneys and very respectfully states and prays as follows:

Defendant Medina-Valdez is scheduled to be sentenced on March 20, 2018 for his conviction for violating Title 8, United States Code, Section 1326(a).

PROCEDURAL BACKGROUND

The Defendant was charged via complaint on November 20, 2017. **ECF No. 1.** A Grand Jury sitting in the District of Puerto Rico returned an Indictment against Defendant on November 30, 2017. **ECF No. 9.** On February 15, 2018, Defendant completed a Change of Plea via a straight plea. **ECF No. 24.**

SENTENCE RECOMMENDATION

The United States agrees with the Final PSR Guideline calculation, which specifies a Total Offense Level of six (06) with a Criminal History Category I for a guideline imprisonment range of 0-6 months. **ECF No. 27.** Based on the nature of the offense and the Defendant's prior immigration history, the United States requests a sentence **at the higher end of the applicable guideline range of six months.**

Concerning Defendant's prior immigration history, the United States agrees with the PSR's summary at paragraph 30. **ECF No. 27.** On December 2, 2016, Defendant was encountered by U.S. Customs and Border Patrol at the Luis Muñoz MARIN International Airport in Carolina, P.R. while he was attempting to take a flight to the Dominican Republic. He was served with an Expedited Removal, and physically removed to the Dominican Republic the following day, December 3, 2016. At the time that the Defendant was found in the United States on November 20, 2017, he was a citizen of the Dominican Republic and did not have permission to enter or remain in the United States.

The Defendant has served approximately 104 days (as of March 15, 2018) since the complaint was filed on November 20, 2017. At sentencing he will have served four months (November 20, 2017 through March 20, 2018) in prison. A sentence at the higher end of guideline range will ensure that Defendant is deterred from re-entering the United States without abiding by the applicable United States immigration laws in the future.

WHEREFORE, the United States of America respectfully requests the Court consider the forgoing in arriving at an appropriate sentence of imprisonment.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of March 2018.

ROSA EMILIA RODRÍGUEZ-VÉLEZ
United States Attorney

s/ Sean R. Gajewski

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of March 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties in this case.

s/ *Sean R. Gajewski*

Sean R. Gajewski
Special Assistant United States Attorney